

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

DONNA DORSEY DAVIS,)
as an individual and derivatively upon behalf of)
I-65 Properties, Inc.,)
)
Plaintiff,)
)
)
v.) Civil Action No.: 2:06cv766-MHT
)
)
RICHARD M. DORSEY,)
as an individual and C D & O, LLC, as a)
necessary party,)
)
Defendants.)
)
AND)
)
RICHARD M. DORSEY, DORSEY MOTOR)
SALES, INC., and C D & O, Inc.,)
)
Counter-Plaintiffs,)
)
v.)
)
DONNA DORSEY DAVIS,)
)
Counter-Defendant.)

**CONSENT TO COUNTER-PLAINTIFFS' VOLUNTARY DISMISSAL
OF COUNTERCLAIM AND MOTION TO JOIN DORSEY MOTOR
SALES, INC. AS A NECESSARY PARTY**

COMES NOW, the Plaintiff/Counter-Defendant, Donna Dorsey Davis, by and through her counsel of record and does show unto this Honorable Court the following:

1. Counter-Plaintiff has filed a Voluntary Dismissal of the Counterclaim.
2. Plaintiff/Counter-Defendant has no objection to dismissal of the Counterclaim, however, Plaintiff/Counter-Defendant requests the Court allow Counter-Plaintiff, Dorsey Motor Sales, Inc. to be added as a necessary party Defendant.

3. Plaintiff/Counter-Defendant shows to the court that Dorsey Motor Sales, Inc. is subject to the jurisdiction of this court and is a necessary party to this action if complete relief is to be accorded between those already parties pursuant to Rule 19 Fed.R.Civ.P.

4. Dorsey Motor Sales, Inc., is an Alabama corporation with its principal place of business in the City of Prattville, Autauga County, Alabama, and is owned by the Defendant, Richard M. Dorsey. Dorsey Motor Sales, Inc. submitted to the jurisdiction of this Court when it filed a Counterclaim against the Plaintiff/Counter-Defendant in this action on February 8, 2007.

5. Joinder of Dorsey Motor Sales, Inc. will not deprive the court of jurisdiction over the subject matter of this action.

6. In her Complaint, Plaintiff demanded the note between I-65 and Dorsey Motor Sales, Inc. be set aside and/or declared null and void.

7. It is necessary to join Dorsey Motor Sales, Inc. in this action, not only to protect its interest in the Promissory Note, but also to have a complete and just adjudication of all matters pertaining to this action.

8. Adding Dorsey Motor Sales, Inc. as a necessary party Defendant would greatly help facilitate the mediation of all matters before this Court.

WHEREFORE, THE ABOVE PREMISES CONSIDERED, the Plaintiff/Counter-Defendant enters her consent to Counter-Plaintiffs' dismissal of the Counterclaim, and moves pursuant to Rule 19 of the Federal Rules of Civil Procedure for an order directing that said Dorsey Motor Sales, Inc. be joined in this action as a party defendant.

Respectfully submitted,

//s// Lindsay B. Erwin
Lindsay B. Erwin, Esq.
ASB-5299-Y59E
Attorney for Plaintiff/Counter-Defendant

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CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of June, 2007, I electronically filed the foregoing with the Clerk of the Court using electronic filing system which will send information of such filing to the following:

Clifford W. Cleveland
Cleveland & Colley, P.C.
P.O. Box 680689
Prattville, AL 36068

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//s// Lindsay B. Erwin
OF COUNSEL